

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Crim. No. 02-355 (01) (MJD)

Marco Antonio Lucio Garcia,

Defendant.

Andrew Dunne, Assistant United States Attorney, Counsel for Plaintiff.

Defendant *pro se*.

This matter is before the Court on Defendant's *pro se* motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On March 21, 2006, Defendant pled guilty to Count 1 of the Indictment that charged conspiracy to distribute and possession with intent to distribute in excess of 500 grams of cocaine, in violation of 21 U.S.C. §§ 841 (b)(1)(B) and 846.

On July 6, 2006, Defendant was sentenced to a term of imprisonment of 168 months, which was a downward variance from the applicable guideline range.

The applicable guideline range in this case was based on the Court's determination that Defendant was a Career Offender under § 4B1.1(a). As a

Career Offender, Defendant's the base offense level was 34, as the statutory maximum sentence for the crime of conviction is more than 25 years, and his criminal history category was VI. Section 4B1.1(b)(2). Defendant received a three level reduction for acceptance of responsibility, resulting in a total offense level of 31. Based on a total offense level 31, criminal history category VI, the applicable range was 188-235 months.

Defendant seeks a sentence reduction based on Amendment 782 to the Sentencing Guidelines which lowered the drug quantity base offense levels applicable to certain drug offenses. Defendant is not eligible for a sentence reduction, however, as Amendment 782 did not alter the guideline range for Career Offenders. United States v. Thomas, 775 F.3d 982 (8th Cir. 2014).

IT IS HEREBY ORDERED that Defendant's Motion for Sentence Reduction [Doc. No. 72] is DENIED.

Date: December 9, 2015

s/ Michael J. Davis

Michael J. Davis

United States District Court